

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 34A.22, the Homeland Security and Emergency Management Division gives Notice of Intended Action to amend Chapter 10, "Enhanced 911 Telephone Systems," Iowa Administrative Code.

The Homeland Security and Emergency Management Division proposes to amend subrule 10.3(1), paragraph "a," to reflect changes made to Iowa Code chapter 34A in 2008 Iowa Acts, House File 247. This amendment provides further clarification on membership requirements of Joint E911 Service Boards.

Additionally, the Division proposes to amend subrules 10.15(2) through 10.15(6). The proposed amendments to these subrules reflect changes that have occurred to the Division's organizational structure.

Consideration will be given to all written suggestions or comments on the proposed amendments received on or before January 6, 2009. Such written materials should be sent to the E911 Program Manager, Iowa Homeland Security and Emergency Management Division, 7105 N.W. 70th Ave., Camp Dodge, Building W-4, Johnston, Iowa 50319; fax (515)725-3260.

Also, there will be a public hearing on January 8, 2009, at 1 p.m. in the Homeland Security and Emergency Management Division Conference Room on Camp Dodge, Johnston, Iowa, Building W-4, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as hearing or mobility impairments should contact the Homeland Security and Emergency Management Division and advise of specific needs.

These amendments are intended to implement Iowa Code chapter 34A as amended by 2008 Iowa Acts, House File 247.

The following amendments are proposed.

ITEM 1. Amend paragraph **10.3(1)"a"** as follows:

a. Each political subdivision of the state, having a public safety agency serving territory within the E911 service area, is entitled to voting membership. For the purposes of this paragraph, a township that operates a volunteer fire department providing fire protection services to the township, or a city that provides fire protection services through the operation of a volunteer fire department not financed through the operation of city government, shall be considered a political subdivision of the state having a public safety agency serving territory within the county.

ITEM 2. Amend subrules 10.15(2) to 10.15(6) as follows:

10.15(2) Request for a hearing shall be made in writing to the state homeland security and emergency management division ~~administration bureau~~ chief of staff within 30 days of the E911 program manager's mailing or serving a decision and shall state the reason(s) for the request and shall be signed by the appropriate authority.

10.15(3) The ~~administration bureau~~ chief of staff shall schedule a hearing within ten working days of receipt of the request for hearing. The ~~administration bureau~~ chief of staff shall preside over the hearing,

at which time the appellant may present any evidence, documentation, or other information regarding the matter in dispute.

10.15(4) The ~~administration bureau~~ chief of staff shall issue a ruling regarding the matter within 20 working days of the hearing.

10.15(5) Any party adversely affected by the ~~administration bureau chief's~~ chief of staff's ruling may file a written request for a rehearing within 20 days of issuance of the ruling. A rehearing will be conducted only when additional evidence is available, the evidence is material to the case, and good cause existed for the failure to present the evidence at the initial hearing. The ~~administration bureau chief of staff~~ will schedule a hearing within 20 days after the receipt of the written request. The ~~administration bureau chief of staff~~ shall issue a ruling regarding the matter within 20 working days of the hearing.

10.15(6) Any party adversely affected by the ~~administration bureau chief's~~ chief of staff's ruling may file a written appeal to the administrator of the homeland security and emergency management division. The appeal request shall contain information identifying the appealing party, the ruling being appealed, specific findings or conclusions to which exception is taken, the relief sought, and the grounds for relief. The administrator shall issue a ruling regarding the matter within 90 days of the hearing. The administrator's ruling constitutes final agency action for purposes of judicial review.